

### **REMARKS**

In response to the Office Action mailed September 28, 2010, the Assignee respectfully requests reconsideration. Claims 24 and 25 were previously pending in this application. By this amendment, claims 24 and 25 are amended. No claims are added or canceled. As a result, claims 24 and 25 are pending for examination with claims 24 and 25 being independent. No new matter has been added.

#### **Request for a Telephone Interview**

Initially, the Assignee thanks the Examiner for the clarification in the Office Action as to how the Examiner is applying the various teachings of Ehsani and Marx. However, there still appears to be considerable disconnect in how the Examiner is interpreting the claims and the references and how the Assignee believes the claims should be interpreted and what the prior art references teach. Thus far, a relatively lengthy series of written communications, both Office Actions and responses, have been unsuccessful in reaching a common understanding between the parties. As a result, the Assignee believes that a telephone conference would be the best way for both parties to reach an understanding of each others' position.

To this end, the Assignee's representative attempted to contact the Examiner to setup a telephonic conference. The Assignee notes with appreciation the Examiner's return telephone call. Unfortunately, due to the approaching response date, a telephone interview was not able to be conducted. In view of this, the Assignee respectfully requests that the Examiner call the undersigned upon review of this response to discuss the details telephonically to avoid, if possible, another iteration without the benefit of having talked through the issues.

#### **Rejection Under 35 U.S.C. §103**

The Office Action rejects claims 24 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0032564 (Ehsani) in view of U.S. Patent No. 6,173,266 (Marx). The Assignee respectfully traverses this rejection.

As discussed above, the Assignee remains unclear how the prior art references are being applied. In particular, the Office Action concedes that Ehsani fails to teach "automatically

generating the speech recognition application call flow from the call flow representation such that if the response option is defined as a valid response in the at least one grammar, the third prompt is presented to the user instead of the second prompt when the user responds to the first prompt with the response option.”

Assuming for the sake of argument that Ehsani teaches each of the other limitations in claims 24 and 25 (which it does not). The conceded to missing limitation specifies a specific act that applies to the specifically recited prompts under the specific circumstance when a particular response is defined in two different grammars associated with the same prompt. It is non-sensical to assert this limitation can be met by an entirely different reference discussing an entirely different system, with entirely different prompts and responses. Furthermore, it is unclear whether the Office Action is using Marx because it shows an interface to design a call-flow or for something more substantial. To add to the confusion, the subject matter the Office Action asserts is taught by Ehsani in the Response to Arguments section does not correspond to the elements the Office Action asserts are met by Ehsani in the body of the rejection. In particular, the Office Action provides a long list of elements that Ehsani fails to teach on page 12 of the Office Action, many of which were discussed as being taught by Ehsani in the Response to Arguments section. The Assignee simply cannot determine what elements the Office Action believes are taught by Ehsani and which are taught by Marx.

What can be gleaned from the Office Action is that the Office Action appears to interpret the claims as being nothing more than conditional prompts and responses. Specifically, the Office Action states on page 8 that the “present invention teaches conditional prompts and responses in the same manner as the combination of Ehsani and Marx.” This is simply not the case. The claims are not simply reciting conditional prompts and responses. What the claims recite is an *override* behavior when the same valid response is defined *both* by an existing grammar and by a designer defined response option associated with the same prompt. This allows the call-flow designer to associate existing grammars with a prompt without knowing precisely what valid responses are defined therein and define the behavior should one of those valid responses be spoken, and at the same type allow the designer to define a response option to the same prompt that triggers a different behavior without having to check whether the chosen existing grammar defines the response option.

Absent the override behavior defined in the final limitation of claims 24 and 25, the incorrect behavior would get triggered (i.e., the incorrect prompt would be generated) under circumstances where the existing grammar also defines the response option. However, by automatically checking to see whether the response option is defined in the existing grammar, the call-flow can be correctly generated to provide the correct prompt when the response option is spoken, even in instances where the call flow designer has defined different behavior for a specific response option that is already defined in an existing grammar. Neither Ehsani nor Marx disclose or suggest anything like this.

While the claims, as previously presented, distinguish over the alleged combination, claims 24 and 25 are amended to make the automatic checking of whether the response option is defined as a valid response in the existing grammar explicit. Thus, nowhere does Ehsani or Marx, either alone or in combination disclose or suggest “automatically checking whether the response option is defined as a valid response in the at least one grammar” and “automatically generating the speech recognition application call flow from the call flow representation such that if the response option is defined as a valid response in the at least one grammar, the third prompt is presented to the user instead of the second prompt when the user responds to the first prompt with the response option,” as recited in claims 24 and 25. Therefore, claims 24 and 25 patentably distinguish over the alleged combination and are in allowable condition.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, the Assignee hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. N0484.70566US00.

Dated: March 28, 2010

Respectfully submitted,

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